

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KINGS ROAD HOLDINGS VIII LTD,)
and KINGS ROAD INVESTMENTS LTD,)
)
Plaintiffs,)
) 1:12-cv-08657-RWS
v.) ECF case
)
PAUL A. MOORE;)
RED CANYON ADVISORS, LLC;)
MOORE INVESTMENTS, INC.; and)
RED CANYON ADVISORS, LLC;)
Defendants)

DECLARATION OF RICHARD GERBER

1. I am a licensed process server who works for Judicial Attorney Services, Inc. of Libertyville, Illinois (and other office locations).
2. On September 17, 2012, my office received a request from attorney W. Murley Palmer, Esq. to deliver a demand letter dated 9/14/2012 from him to Paul A. Moore of 500 N. Waukegan Road, Lake Forest, Illinois, this letter being accompanied by a draft complaint and accompanying exhibits. These documents were placed in a large sealed envelope addressed to Mr. Moore ("the packet").
3. Starting on September 18, 2012, I make six attempts to serve the packet on Mr. Moore at his residence, with the sixth attempt being on September 28th.
4. The day of the first service attempt I left a general delivery notice, that had a toll-free call back number, for Mr. Moore at the residence in its mailbox, but neither I nor my office was ever contacted subsequently by Mr. Moore or anyone else on his behalf.

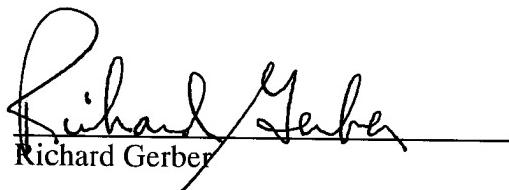
5. On September 28th, I drove into the courtyard of Mr. Moore's property and both a Ford and a Range Rover I had observed in a previous visit were parked near the first garage door. I pounded on the front and side doors of the house and there was no answer, but the two dogs I had heard before were both barking inside the door. I got no answer, so I walked down the driveway to the mailbox and I placed the sealed envelope amongst the mail.
6. As I walked back to my car, I spotted a man standing in an office observable inside the house, so I retrieved the packet from the box and pounded loudly on the front door and stepped back off the sidewalk. The man inside turned toward me and I flashed my badge towards him. He walked out of the room to the side doorway and called for me. I approached the side door, and he asked "what do you want?" I asked are you Paul Moore? He said, "no" and slammed the door. I walked 15 feet and dropped the packet between the storm door and drove off.
7. The individual who denied he was Paul Moore was a white man of a height of approximately six feet, a weight of approximately 260 lbs, who had gray hair and wore glasses and was approximately 65 years old.
8. On January 11, 2013, my office received a request from attorney W. Murley Palmer, Esq. to serve copies of a federal civil complaint, summons and accompanying documents on Paul A. Moore as a named individual defendant and on him also as a member/officer/registered agent of three business entities named as defendants in the complaint: MBC Global, LLC; Moore Investments, Inc.; and Red Canyon Advisors, LLC.
9. On January 11, 2013, I attempted service, which I attempted six additional times

until I served Mr. Moore as an individual defendant through his wife Kathy Moore on January 30th.

10. During my third attempt on January 14th, I taped a general delivery notice to the side service door of the house that was nearest the detached garage.
11. When I attempted service the next day, January 15th, I found that my notice was missing. I also observed at the front door a packet addressed to Telecuba Holdings LLC, Attn Sherie Swiatek, 500 N. Waukegan Road, Lake Forest, IL with a phone number (847) 833-6668. The packet was coming from Pro Data Payroll Env.
12. The next day I called Sherie Swiatek at the above number and left my name and number requesting a call back. She called me back that same day and said that she is Mr. Moore's Admin. Assistant and occasionally gets mail or packages sent to 500 N. Waukegan Road as a remote address. She said that she does not live there and that Mr. Moore still does. She said he travels occasionally and that since I have not seen him at the home that he might be out of town.
13. Neither I nor my office was subsequently contacted by Mr. Moore or anyone else on his behalf after I left the notice on January 14th or I spoke with Ms. Swiatek on January 16th.
14. I ultimately served Paul Moore through his wife, Kathy Moore, by handing her the service package on January 30th. When I handed Mrs. Moore the papers for Mr. Moore and then attempted to take her picture, she slammed the door on me.
15. I do not include in this declaration all details of attempted service/service and of my observations made while carrying out same.

I hereby declare under the penalty of perjury that the foregoing is true and correct

Executed April 30, 2013.



A handwritten signature in black ink, appearing to read "Richard Gerber". Below the signature, the name "Richard Gerber" is printed in a smaller, sans-serif font, enclosed in a thin horizontal line.